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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,664	04/30/2002	Marcello Poggiolini	ADAMS-40619	8060
7590	06/07/2005			
Scott W Kelley Kelly Bauersfeld Lowry & Kelley Suite 1650 6320 Canoga Avenue Woodland Hills, CA 91367			EXAMINER DAVIS, CASSANDRA HOPE	
			ART UNIT 3611	PAPER NUMBER
DATE MAILED: 06/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,664

Applicant(s)

POGGIOLINI, MARCELLO

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004 and 27 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Handwritten signature*

## **DETAILED ACTION**

### ***Priority***

It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/TB00/00941, filed 12 July 2000. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C.

119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," **"The invention"**, etc.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "33.1" seen in figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle, British Patent 912,704 in view of Stottum, U. S. Patent Stottum.

With respect to claims 1, 9, 11, 12, 13, 14, and 15, Sielle teaches frame for framing an article. The device includes an outer frame component (20), an outer panel (24) including a rear side and a viewer side. The outer panel (24) is mounted within the outer frame component. The device also includes an inner frame (29) component, which includes an outer abutment surface which overlaps a peripheral region of the viewer side of the outer panel to conceal a peripheral edge of the aperture and an inner panel (31) which is located within the inner frame component. The inner frame component includes an inner abutment surface which overlaps a peripheral region of the inner panel in an abutting fashion, an article (32) mounted in use within the inner frame component, and a transparent sheet material (22) mounted to the outer frame component and covering the article. (See figure 2)

Sielle does not specifically indicate whether the outer panel 24 has an aperture. In addition, Sielle does not teach the inner frame with an inner and outer abutment surface.

Stottum teaches a picture frame comprising an outer frame 2, an outer panel 18 having a central aperture, an inner frame 1, a picture 8, and a backing 9. (See figures 1 and 2). The inner frame 1 has an inner abutment surface 6 adapted to overlap the picture/mirror 8 and an outer abutment surface 7 adapted to overlap the inner peripheral edge of the outer panel 18.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle with the outer panel and the inner frame as taught by Stottum to provide a decorative inner panel and inner frame to enhance the aesthetic appearance of the picture frame.

With respect to claim 3, the inner and outer abutment surfaces 6 and 8 are coplanar.

With respect to claims 5-7, Stottum teaches inner frame 1 having a concealed portion 5 and an exposed portions 6 and 7. The inner frame is generally T-shaped having a vertical component 5 and a horizontal component 6. See lines 80-88.

With respect to claim 8, although Sielle or Stottum do not teach the dimension of the exposed portion of the inner frame, it would have been obvious to construct the inner frame of the device taught by Sielle or Stottum a suitable dimension so the it would fit beneath the transparent panel 22 taught by Sielle.

3. Claims 1, 4, 5, 8, 9, 11, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle, British Patent 912,704 in view of Widigs, U. S. Patent 3,507,066.

4. With respect to claims 1, 9, 11, 12, 13, and 15, Sielle teaches frame for framing an article. The device includes an outer frame component (20) and an outer panel (24) including a rear side and a viewer side, wherein the outer panel (24) is mounted within the outer frame component. The device also includes an inner frame (29) component which includes an outer abutment surface which overlaps a peripheral region of the viewer side of the outer panel to conceal a peripheral edge of the aperture and an inner



panel (31) which is located within the inner frame component. The inner frame component includes an inner abutment surface which overlaps a peripheral region of the inner panel in an abutting fashion and the article (32) mounted in use within the inner frame component, transparent sheet material (22) mounted to the outer frame component and covering the article. (See figure 2)

Sielle does not specifically indicate whether the outer panel 24 has an aperture. In addition, Sielle does not teach the inner frame with an inner and outer abutment surface.

Widigs teaches a picture frame comprising an outer frame 2, an outer panel 3 having a central aperture, an inner frame 1. The inner frame 1 has an inner abutment surface adapted to overlap the picture mounted therein and an outer abutment surface adapted to overlap the inner peripheral edge of the outer panel 3.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle with the outer panel and inner frame as taught by Widigs to provide a decorative inner panel and inner frame to enhance the aesthetic appearance of the picture frame.

With respect to claim 4, Widigs teaches the inner abutment surface is spaced from outer abutment surfaces.

With respect to claims 5, Widigs teaches inner frame 1 having a concealed portion and an exposed portion. The inner frame is generally L shaped having a vertical component and a horizontal component.

With respect to claim 8, although Sielle or Widigs do not teach the dimension the exposed portion of the inner frame, It would have been obvious to construct the inner frame of a suitable dimension so the it would fit beneath the transparent panel 22 taught by Sielle.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Widigs as applied to claim15 above, and further in view of Carraine, U. S. Patent 589,695. Carraine teaches a picture frame *d* comprising a mat E having an opening e, a glass D, and a picture F. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle and Widigs with a mat inner panel as taught by Carraine to enhance the aesthetic appearance of the displayed picture.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Stottum as applied to claim15 above, and further in view of Carraine, U. S. Patent 589,695. Carraine teaches a picture frame *d* comprising a mat E having an opening e, a glass D, and a picture F. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle and Stottum with a mat inner panel as taught by Carraine to enhance the aesthetic appearance of the displayed picture.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Widigs as applied to claim15 above, and further in view of Cornfield, U. S. Patent 3,218,747. Cornfield teaches a picture frame with staples 11 to retain the picture within the rear rebate of the picture frame. It would have been obvious to one having

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ordinary skill in the art at the time this invention was to construct the picture frame taught by Sielle and Widigs with the staple taught by Cornfield to provide a means to retain the picture.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Stottum as applied to claim 15 above, and further in view of Cornfield, U. S. Patent 3,218,747. Cornfield teaches a picture frame with staples 11 to retain the picture within the rear rebate of the picture frame. It would have been obvious to one having ordinary skill in the art at the time this invention was to construct the picture frame taught by Sielle and Widigs with the staple taught by Cornfield to provide a means to retain the picture.

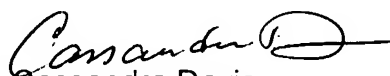
#### ***Response to Arguments***

7. Applicant's arguments filed November 8, 2004 with respect to claims 1, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
May 30, 2005